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Ms. K.C. Steckelberg
Director of Public Affairs
Prosecuting Attorney's Association of Michigan
116 West Ottawa Street, Suite 200
Lansing, MI 48913

RE: SB 789 & HB 5338

Dear Ms. Steckelberg,

I am writing this letter to offer written support for the passage of SB 789 and HB 5338. I request that you share my letter with the legislators who are considering enacting these bills into law.

I believe the legislation as proposed, would provide law enforcement a necessary tool to keep up with the quickly changing synthetic drug scene. We have found that as soon as we have the legal means to pursue criminal charges, the manufacturers of these drugs change the chemical components, and the new version of the synthetic drug is no longer on the schedule. Consequently law enforcement can not proceed to prosecute those who sell or use these designer drugs.

Law enforcement needs a quick and effective method to deal with the ever changing synthetic drug problem and this legislation would allow for immediate legal intervention and keep up with the manufactures of these harmful substances. I have reviewed the letter supporting this legislation submitted by Detective Captain Gordon Warchock of the Marquette City Police Department and wholly concur with his comments. My intention is to give you my perspective as a prosecutor and my concerns for public safety as the chief law enforcement official for Marquette County.

We first became aware of the abuse of the substance known as "bath salts" or synthetic controlled substances in Marquette County in January of 2011, through police contacts with individuals who were intoxicated on a substances being sold in our community under a market brand name of "White Rush". The local store, The Backroom Obsessions, was selling and promoting White Rush as a legal substance being falsely marketed under the claim that it was a bath salt. White Rush was determined to contain methylenedioxypyrovalerone (MDPV). My office assisted with obtaining a Public health order prohibiting this business from selling this substance. Subsequently, the Michigan Legislature added MDPV as a scheduled controlled substance in Michigan.

In the interim, this local business continued to sell various other unscheduled substances that have been used as a drug, and marketed under an array of brand names. The two major categories of substances identified were either an amphetamine type powder substance, or a synthetic marijuana substance typically categorized in the "JWH" classifications. We have recently brought a Public Nuisance Action against this business, a forfeiture action, and a criminal charge for possession with intent to deliver the banned substance JWH 250. This has resulted in a negotiated Consent Judgment wherein this business and proprietor will be permanently closed and banned from conducting any business in Marquette County.

Unfortunately, it took us nearly a year to build these cases and to finally shut this business down permanently. In 2011 this business introduced the scourge of these synthetic substances into our community under the guise that the substances were not illegal. This was accomplished because the substances were ostensibly being sold with a disclaimer "not intended for human consumption" and because the substances did not contain scheduled controlled substances. After the introduction of these substances by this business, these and similar substances have been intercepted by law enforcement on at least six separate occasions. Shipments intercepted were scheduled for delivery in Marquette County via parcel delivery, shipped from locations all over the United States, being purchased through orders placed over the internet.

We have attempted to prosecute cases involving these substances under an analogue drug theory, but unfortunately this has proven to be very difficult and costly. To prove that a non-scheduled substance is being used as a drug, and therefore an analogue substance the prosecution must prove three things: 1. the substance is being used as a drug; 2. the substance does not have a legitimate, "non-drug" purpose (such as gasoline or glue); and 3. the substance is chemically similar to an already scheduled substance. To prove this the prosecution must have either the testimony of a witness who has used this substance or an expert in the area of chemistry or pharmaceutical chemistry who can testify that the substance when ingested will affect a human like a known scheduled controlled substance. Additionally, the prosecution would need expert testimony that the substance identified is chemically similar to an already known scheduled controlled substance.

The harm caused to our community has been extensive. We have identified a number of drug related deaths that are attributable, at least in part, to the use and abuse of these substances. Additionally, Marquette General Hospital (MGH) has treated 66 patients in 2011 for conditions relate to "synthetic drug" use. The symptoms are often severe, resulting in hallucinations, extreme paranoia, and psychosis. Many of the individuals treated were ultimately admitted to the Psychiatric Unit of the hospital until they could be stabilized.

Records from the Marquette County Probate Court abuse & neglect cases reflect that 49% of the cases involving removal of children were based upon the parents' use of illegal drugs in 2010. In 2011 45% of the cases involved the parents' use of illegal drugs, and an additional 20% of the cases were because the parents' were alleged to have used MDPV or other synthetic drug substances. This dramatic increase of removal of children because of the parents' abuse of illegal drugs, and other substances such as MDPV, reflects the serious threat to children and to public safety in our community.

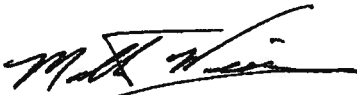
In 2011 MGH identified 74 new born infants who were treated for a diagnosis of drug withdrawal. The statistics kept do not allow us to know exactly if these infants were exposed to synthetic drugs, opiates, or other drugs. However, the increase in cases involving synthetic drug abuse in our community is reflective of a dramatic increase in the number of cases where the parents' were alleged to have abused these substances.

My office has collaborated with Houghton County, where there is another Backroom Obsessions store owned and operated by the same proprietor as the one in Marquette, to assist in efforts to stop the flow of these substances into their community. We have also consulted with authorities in Alpena and Huron Counties who are also dealing with the reported sale of these harmful substances that are being marketed and promoted as "legal" to purchase.

It is my understanding that this proposed legislation would allow the State Director of Community Health to temporarily add newly identified substances, that are being abused as controlled substances, to the list of banned, prohibited, or illegal controlled substances. This legislation, if passed, would allow local law enforcement to respond to the ever changing chemical modifications that are continually being made to these dangerous and harmful substances that are impacting our community.

I fully support the passage of this legislation. Please do not hesitate to contact me should there be any questions, concerns, or the need for clarification concerning the information I have provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Wiese", with a stylized flourish at the end.

Matt Wiese, Marquette County
Prosecuting Attorney